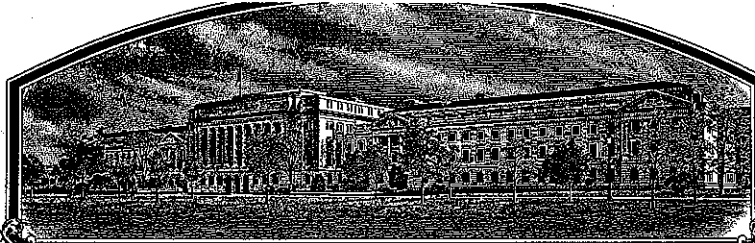


No.

200800369



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TIME THERETO IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'25R39'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this ninth day of December, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

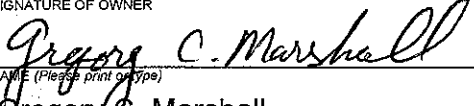
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Pioneer Hi-Bred International, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME XW06M	3. VARIETY NAME 25R39
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Crop Genetics Research & Development 3850 N 100 E Windfall IN 46076		5. TELEPHONE (include area code) (765) 945-7906	FOR OFFICIAL USE ONLY PVPO NUMBER #200800369 FILING DATE AUGUST 19, 2008
		6. FAX (include area code) (765) 945-8313	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION Iowa	9. DATE OF INCORPORATION May 7, 1926	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Gregory C. Marshall Pioneer Hi-Bred International, Inc. 3850 N 100 E Windfall IN 46076			F E E S R E C E I V E D FILING AND EXAMINATION FEES: \$ 4,382.00 DATE 8/19/08 CERTIFICATION FEE: \$ 768.00 DATE 11/6/08
11. TELEPHONE (include area code) (765) 945-7906 ext. 11	12. FAX (include area code) (765) 945-8313	13. E-MAIL greg.marshall@pioneer.com	
14. CROP KIND (Common Name) Wheat	16. FAMILY NAME (Botanical) Gramineae	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Triticum aestivum	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23) <input type="checkbox"/> UNDECIDED	
		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER  NAME (Please print or type) Gregory C. Marshall		SIGNATURE OF OWNER NAME (Please print or type)	
CAPACITY OR TITLE Sr. Research Manager	DATE 8/15/08	CAPACITY OR TITLE	DATE

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 FAX: (301) 504-5291
General E-mail: PVPOMail@usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870.
<http://www.ams.usda.gov/lsg/seed.htm>

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

19A. Exhibit A. Origin and Breeding History of Pioneer Wheat Cultivar 25R39.

Pioneer® cultivar 25R39 is a soft red winter wheat (*Triticum aestivum* L.) developed by Pioneer Hi-Bred International, Inc.. It was derived from a single cross made in 1996 as follows:

WBJ0323G2/25R49

WBJ0323G2 was a Pioneer experimental line derived from the cross: 2737W sib/2548//2548. The detailed parentage of 25R39 is:

2737W sib/2548//2548/3/25R49

During the 1996 fall greenhouse cycle, the final single cross, WBJ0323G2/25R49 was made and it was designated W970761. The subsequent breeding history of 25R39 is described below.

<u>Year</u>	<u>Generation</u>	
1996	Final cross	
1997	F ₁	F ₁ grown in transplant nursery at Windfall IN.
1997-98	F ₂	Bulk populations grown at Windfall and Ft. Branch, IN. Individual spike selections made at both locations. This spike selection was made at Ft. Branch, IN.
1998-99	F ₃	Headrows from F ₂ selections grown at Windfall and Ft. Branch, IN. Selected rows cut and threshed individually. This selection was made at Ft. Branch, IN.
1999-2000	F ₄	A three row X 3-meter observation plot was planted at Windfall and Ft. Branch, IN. A meter section of the center row was harvested from the selected plot and threshed in bulk.
2000-01	F ₅	A seven row X 3-meter plot was planted at Windfall and Ft. Branch, IN. Fifty spikes were harvested from the selected plot and threshed individually.
2001-02	F ₆	Twenty headrows of the F ₅ selection were grown at both Windfall and Ft. Branch, IN. Selected rows were cut and threshed individually. This selection was made at Ft. Branch, IN.
2002-03	F ₇	Preliminary yield testing of an F ₅ selection from an F ₆ headrow. This selection designated W970761Z1.
2003-04	F ₈	Advanced yield testing of W970761Z1. 200 individual spikes were harvested from a small bulk increase.

- | | | |
|---------|-----------------|---|
| 2004-05 | F ₉ | Elite yield testing of W970761Z1. 200 purification headrows planted, off-type rows destroyed prior to maturity. Approximately 100 of the remaining, inside rows were individually cut and threshed. Two spikes were taken from each harvested row. |
| 2005-06 | F ₁₀ | Elite yield testing continued of W970761Z1. Seed from purification headrows planted in individual progeny plots which surrounded 200 headrows. Off-type plots and headrows were destroyed prior to harvest. Equal numbers of spikes were harvested from the remaining progeny plots for a total of 1000 individual spikes. 110 headrows were harvested. The progeny plots were harvested in bulk, which constitutes Breeder Seed. Bulk seed, headrow bulks, and individual spikes were turned over to Pioneer's Supply Management, Parent Wheat Seed group. |
| 2006-07 | F ₁₁ | Elite yield testing continued, line designated YW06M. Seed increase continued by Pioneer Parent Wheat Seed Group. |
| 2007-08 | F ₁₂ | Elite yield testing continues, line designated XW06M. Seed increase continues by Pioneer Parent Wheat Seed Group. |

Decision to release XW06M was made in August 2008, at which time the commercial code, 25R39, was assigned.

The cultivar 25R39 was bred and selected using a modified pedigree selection method for any and all of the following characteristics in the field environment: disease resistance, plant type, plant height, head type, straw strength, maturity, grain yield, test weight, and milling and baking characteristics.

25R39 has been shown to be uniform and stable since the 7th generation, or for the last 5 generations. 25R39 has shown no variants other than what would normally be expected due to environment.

19B. Exhibit B. Statement of Distinctness

25R39 is most similar to Pioneer[®] variety 25R49 but with the following distinguishing characteristics:

1. The spike density of 25R39 is lax, while that of 25R49 is mid-dense.
2. The spike position at maturity of 25R39 is inclined, while that of 25R49 is nodding.
3. The seed shape of 25R39 is elliptical, while that of 25R49 is ovate.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Wheat (*Triticum* spp.)

NAME OF APPLICANT (S) Pioneer Hi-Bred International, Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION XW06M	VARIETY NAME 25R39
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) Crop Genetics Research & Development 3850 N 100 E Windfall, IN 46076		FOR OFFICIAL USE ONLY PVPO NUMBER #200800369

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., 0 9 9 or 0 9) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: Munsell Color Charts. Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND: <input type="checkbox"/> 1 = Common <input type="checkbox"/> 2 = Durum <input type="checkbox"/> 3 = Club <input type="checkbox"/> 4 = Other (Specify) _____	2. VERNALIZATION: <input type="checkbox"/> 2 1 = Spring 2 = Winter 3 = Other (Specify) _____
3. COLEOPTILE ANTHOCYANIN: <input type="checkbox"/> 1 = Absent <input type="checkbox"/> 2 = Present	4. JUVENILE PLANT GROWTH: <input type="checkbox"/> 2 1 = Prostrate 2 = Semi-Erect 3 = Erect
5. PLANT COLOR: (boot stage) <input type="checkbox"/> 2 1 = Yellow-Green 2 = Green 3 = Blue-Green	6. FLAG LEAF: (boot stage) <input type="checkbox"/> 2 1 = Erect 2 = Recurved <input type="checkbox"/> 2 1 = Not Twisted 2 = Twisted <input type="checkbox"/> 2 1 = Wax Absent 2 = Wax Present
7. EAR EMERGENCE: <input type="checkbox"/> 1 <input type="checkbox"/> 3 <input type="checkbox"/> 6 Number of Days (Average) <input type="checkbox"/> <input type="checkbox"/> Number of Days Earlier Than * _____ Same As * _____ <input type="checkbox"/> 1. 3 Number of Days Later Than * <u>25R47</u> *Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial	
8. ANTHOR COLOR: <input type="checkbox"/> 1 1 = Yellow 2 = Purple	

6

9. PLANT HEIGHT: (from soil to top of head, excluding awns)

. 2 cm (Average)

. 1 cm Taller Than 25R47 *

Same As _____ *

cm Shorter Than _____ *

10. STEM:**A. ANTHOCYANIN**

1 = Absent 2 = Present

B. WAXY BLOOM

1 = Absent 2 = Present

C. HAIRINESS (last internode of rachis)

1 = Absent 2 = Present

D. INTERNODE

1 = Hollow 2 = Semi-Solid 3 = Solid

Number of Nodes

E. PEDUNCLE

1 = Erect 2 = Recurved 3 = Semi-Erect

cm Length

F. AURICLE

Anthocyanin: 1 = Absent 2 = Present

Hair: 1 = Absent 2 = Present

11. HEAD: (At Maturity)**A. DENSITY**

1 = Lax
2 = Middense (Laxidense)
3 = Dense

B. SHAPE

1 = Tapering
2 = Strap
3 = Clavate
4 = Other (Specify) _____

C. CURVATURE

1 = Erect
2 = Inclined
3 = Recurved

D. AWNEDNESS

1 = Awnless
2 = Apically Awnletted
3 = Awnletted
4 = Awned

12. GLUMES: (At Maturity)**A. COLOR**

1 = White
2 = Tan
3 = Other (Specify) _____

B. SHOULDER

1 = Wanting 2 = Oblique
3 = Rounded 4 = Square
5 = Elevated 6 = Apiculate
7 = Other (Specify) _____

C. SHOULDER WIDTH

1 = Narrow
2 = Medium
3 = Wide

D. BEAK

1 = Obtuse
2 = Acute
3 = Acuminate

E. BEAK WIDTH

1 = Narrow
2 = Medium
3 = Wide

F. GLUME LENGTH

1 = Short (ca. 7 mm)
2 = Medium (ca. 8 mm)
3 = Long (ca. 9 mm)

G. WIDTH

1 = Narrow (ca. 3 mm)
2 = Medium (ca. 3.5 mm)
3 = Wide (ca. 4 mm)

H. PUBESCENCE

1 = Not Present
2 = Present

13. SEED:

A. SHAPE

- ☐ 3 1 = Ovate
2 = Oval
3 = Elliptical

B. CHEEK

- ☐ 1 1 = Rounded
2 = Angular

C. BRUSH

- ☐ 2 1 = Short
2 = Medium
3 = Long
- ☐ 1 1 = Not Collared
2 = Collared

D. CREASE

- ☐ 1 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel

- ☐ 2 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

E. COLOR

- ☐ 3 1 = White
2 = Amber
3 = Red
4 = Other (Specify) _____

F. TEXTURE

- ☐ 2 1 = Hard
2 = Soft
3 = Other (Specify) _____

G. PHENOL REACTION (See Instructions)

- ☐ 3 1 = Ivory
2 = Fawn
3 = Light Brown
4 = Dark Brown
5 = Black

H. SEED WEIGHT

- ☐ 3 ☐ 4 g/1000 Seed (whole number only)

I. GERM SIZE

- ☐ 2 1 = Small
2 = Midsize
3 = Large

14. DISEASE: PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

(0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

- | | |
|---|---|
| <input type="checkbox"/> 0 Stem Rust (<i>Puccinia graminis</i> f. sp. <i>tritici</i>) | <input type="checkbox"/> 2 Leaf Rust (<i>Puccinia recondita</i> f. sp. <i>tritici</i>) |
| <input type="checkbox"/> 2 Stripe Rust (<i>Puccinia striiformis</i>) | <input type="checkbox"/> 0 Loose Smut (<i>Ustilago tritici</i>) |
| <input type="checkbox"/> 3 Tan Spot (<i>Pyrenophora tritici-repentis</i>) | <input type="checkbox"/> 0 Flag Smut (<i>Urocystis agropyri</i>) |
| <input type="checkbox"/> 0 Halo Spot (<i>Selenophoma donacis</i>) | <input type="checkbox"/> 0 Common Bunt (<i>Tilletia tritici</i> or <i>T. laevis</i>) |
| <input type="checkbox"/> 3 <i>Septoria nodorum</i> (Glume Blotch) | <input type="checkbox"/> 0 Dwarf Bunt (<i>Tilletia controversa</i>) |
| <input type="checkbox"/> 0 <i>Septoria avenae</i> (Speckled Leaf Disease) | <input type="checkbox"/> 0 Karnal Bunt (<i>Tilletia indica</i>) |
| <input type="checkbox"/> 3 <i>Septoria tritici</i> (Speckled Leaf Blotch) | <input type="checkbox"/> 3 Powdery Mildew (<i>Erysiphe graminis</i> f. sp. <i>tritici</i>) |
| <input type="checkbox"/> 1 Scab (<i>Fusarium</i> spp.) | <input type="checkbox"/> 0 "Snow Molds" |
| <input type="checkbox"/> 0 "Black Point" (Kernel Smudge) | <input type="checkbox"/> 0 Common Root Rot (<i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input type="checkbox"/> 1 Barley Yellow Dwarf Virus (BYDV) | <input type="checkbox"/> 0 Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input type="checkbox"/> 3 Soilborne Mosaic Virus (SBMV) | <input type="checkbox"/> 0 Black Chaff (<i>Xanthomonas campestris</i> pv. <i>translucens</i>). |
| <input type="checkbox"/> 3 Wheat Yellow (Spindle Streak) Mosaic Virus | <input type="checkbox"/> 0 Bacterial Leaf Blight (<i>Pseudomonas syringae</i> pv. <i>syringae</i>) |
| <input type="checkbox"/> 0 Wheat Streak Mosaic Virus (WSMV) | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |

15. INSECT: (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

- | | |
|--|--|
| <input type="checkbox"/> 1 Hessian Fly (<i>Mayetiola destructor</i>) Biotype E | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> 0 Stem Sawfly (<i>Cephus</i> spp.) | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> 0 Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> Other (Specify) _____ |

15. INSECT: (continued) (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (Where Needed)

<input type="checkbox"/> 0	Russian Aphid (<i>Diuraphis noxia</i>)	<input type="checkbox"/>	Other (Specify) _____
<input type="checkbox"/> 0	Greenbug (<i>Schizaphis graminum</i>)	<input type="checkbox"/>	Other (Specify) _____
<input type="checkbox"/> 0	Aphids	<input type="checkbox"/>	Other (Specify) _____

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

19D. Exhibit D. Additional Description of the Variety**1. Yield and Agronomic information.**

Preliminary yield testing of 25R39 began in the 2002-03 growing season and wide scale testing has been conducted from the 2003-04 growing season to the present. It has shown adaptation to the northern soft wheat regions based on tests conducted in Arkansas, Kentucky, Missouri, Illinois, Indiana, Ohio, Michigan, Maryland and Ontario, Canada (Table 1).

2. Information on Milling and Baking Qualities.

25R39 has demonstrated acceptable soft winter wheat milling and baking qualities (Table 2).

Supportive Information:

Table 1. Paired comparisons of 25R39 during the period 2003-2007.

Variety	Grain Yield	Test Weight	Plant Height	Heading Date	Winter hardiness	Straw Lodging	Leaf Rust	Leaf Blight	Powdery Mildew	Scab	Stripe Rust	SBMV	SSMV
	bu/ac	lb/bu	cm	After Jan 1	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@	1-9@
2003-06													
25R39	101.0	56.6	97.3	135.9	7.0	5.1	8.0	6.0	5.8	5.6	9.0	5.0	4.5
25R49	93.8	57.1	90.9	134.2	7.5	5.2	4.5	3.8	3.8	4.5	9.0	6.7	3.5
Locations	41	40	10	8	2	6	1	3	5	5	2	3	1
Reps.	76	74	20	16	4	14	2	5	10	8	4	6	2
Prob.	0.00	0.03	0.00	0.01	0.50	0.95		0.14	0.01	0.02	1.00	0.06	
2005-07													
25R39	96.9	57.8	93.5	136.8	6.5	5.0	8.1	6.0	5.9	6.4	9.0	4.8	4.5
25R56	97.0	57.3	88.4	135.8	7.4	4.7	7.3	6.8	5.9	6.4	9.0	4.8	5.0
Locations	79	75	22	27	4	11	8	2	8	5	3	3	1
Reps.	184	173	57	69	8	26	18	4	19	10	6	6	2
Prob.	0.93	0.00	0.00	0.00	0.19	0.51	0.06	0.66	0.78	1.00	1.00	1.00	
2003-07													
25R39	96.9	57.2	93.2	136.2	6.5	5.0	8.1	5.9	5.9	6.0	9.0	5.0	4.5
25R47	97.7	56.0	88.1	134.9	7.4	5.9	8.0	7.0	4.9	6.0	7.7	5.1	6.0
Locations	94	90	25	29	4	11	8	4	8	8	3	4	1
Reps.	208	195	61	73	8	26	18	7	19	14	6	7	2
Prob.	0.35	0.00	0.00	0.00	0.01	0.10	0.66	0.20	0.09	1.00	0.09	0.39	

@ Scale of 1 - 9 where 9 = excellent or resistant, 1 = poor or susceptible.

SSMV = Wheat Spindle Streak Mosaic Virus SBMV = Soil-borne Mosaic Virus.

Data in above table collected at locations in Arkansas, Kentucky, Missouri, Illinois, Indiana, Ohio, Michigan, Maryland, and Ontario, Canada.

Table 2. Average Soft wheat quality data, 2003-2007.

Variety	Flour Yield %	Break Flour Yield %	Flour Protein %	Lactic Acid SRC %	Sucrose SRC %
25R39 Years(reps)	70.9 4(7)	41.1 4(7)	7.2 3(6)	96.1 4(7)	86.8 4(6)
25R49 Years(reps)	72.0 4(18)	41.6 4(18)	7.7 3(11)	93.9 4(18)	83.2 3(9)
25R56 Years(reps)	71.4 5(12)	37.4 5(12)	8.0 4(11)	78.8 5(12)	80.9 4(8)
25R47 Years(reps)	73.0 5(23)	44.2 5(23)	7.6 4(16)	96.2 5(23)	91.7 4(14)

Lactic Acid SRC = Lactic Acid Solvent Retention Capacity

Sucrose SRC = Sucrose solution Retention Capacity

Quality data collected at the USDA-ARS Soft Wheat Quality Lab in Wooster, OH

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XW06M	3. VARIETY NAME 25R39
4. ADDRESS (Street and No., or R.F.D.No., City, State, and ZIP, and Country)	5. TELEPHONE (Include area code) (765) 945-7906	6. FAX (Include area code) (765) 945-8313
Crop Genetics Research & Development 3850 N 100 E Windfall, IN 46076	7. PVPO NUMBER	
	#200800369	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒

YES

☐

NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒

YES

☐

NO

10. Is the applicant the original owner?

☒

YES

☐

NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐

YES

☐

NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐

YES

☐

NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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Form Approved OMB NO 0581-0055

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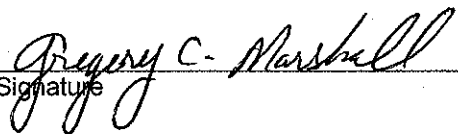
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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) Pioneer Hi-Bred International, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) Crop Genetics Research & Development 3850 N 100 E Windfall, IN 46076	TEMPORARY OR EXPERIMENTAL DESIGNATION XW06M VARIETY NAME 25R39
NAME OF OWNER REPRESENTATIVE (S) Gregory C. Marshall	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) Same as above	FOR OFFICIAL USE ONLY PVPO NUMBER #200800369

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.


Signature

8/15/08
Date

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 FAX: (301) 504-5291
General E-mail: PVPOMail@usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, Seed Regulatory and Testing Branch, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870.
<http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

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